

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BRIAN LAMAR BROWN,

Petitioner,

vs.

BILL DONAT, *et al.*,

Respondents.

2:02-cv-00770-PMP-PAL

ORDER

This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, by a Nevada state prisoner. Petitioner has recently requested the status of this case. (ECF No. 31).

By order filed November 24, 2003, this Court granted in part and denied in part respondents' motion to dismiss. (ECF No. 20). This Court ruled that Grounds 1, 2, 7-16, and 18 were unexhausted. By order filed May 6, 2005, this action was administratively closed pending petitioner's exhaustion of all his claims in state court. (ECF No. 23). On October 5, 2007, petitioner filed a motion to extend the stay so that he could continue to pursue state court remedies. (ECF No. 24). This Court granted petitioner's request and extended the stay pending final exhaustion of petitioner's claims in state court. (ECF No. 25).

Since that time, petitioner has filed an amended petition. (ECF No. 26). The amended petition was not accompanied by a motion to reopen the case, however, it has come to the Court's

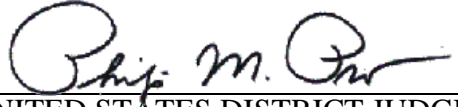
1 attention that petitioner intended the case to be reopened. Good cause appearing, the Court now
2 reopens this case.

3 **IT IS THEREFORE ORDERED** that the Clerk of Court shall **REOPEN THE FILE**.

4 **IT IS FURTHER ORDERED** that respondents shall have **forty-five (45) days** from the
5 date of entry of this order in which to file and serve an answer or other response to the amended
6 petition (ECF No. 26).

7 **IT IS FURTHER ORDERED** that if an answer is filed, petitioner shall have **thirty (30)**
8 **days** following service of the answer to file and serve a reply brief. If a motion to dismiss is filed,
9 the parties shall comply with the motion briefing schedule set forth in Local Rule 7-2.

10 Dated this 6th day of June, 2012.

11
12 
13 UNITED STATES DISTRICT JUDGE